

CASE NO. CV-10-2700

TO: JUDGE FEUERSTEIN

FROM: ANTHONY FLORES, COUNSEL FOR ABSOLUTELY NEW, INC.

The court appeared to take my tardiness as a personal affront, but it was not meant to be so. I apologize sincerely for my delay.

I discovered in my conversation w/ Mr. Wechsler opposing counsel that he did not tell the court that I had called and e-mailed him more than an hour before the 11:15 AM hearing to tell him that my LIRR train was going to make me late to the hearing. I tried and left messages for both Bob Wechsler and Larry Wechsler by telephone and by email. Bob Wechsler claims to have not received my multiple messages.

While on the train I was not able to obtain a phone number for this court or I would have tried to notify you directly of my late status.

The plaintiff's notice of the hearing also did not indicate the time, address or courtroom set for this hearing which complicated matters on my arrival to the court house.

Please accept my apologies and allow a telephonic re-hearing of this motion.

Anthony P. Flores

Furthermore, I did not receive service of plaintiffs reply papers until appearing in court. They should not have been considered by the court, as such.

Anthony P. [Signature]
Atty for Absolutely New, Inc.

cc: Bob Wechsler